

**FRANKLIN COUNTY AREA PLAN COMMISSION  
MEMORANDUM & MINUTES  
JANUARY 12, 2022 @ 7:00pm  
COMMISSIONERS/COUNTY COUNCIL PUBLIC MEETING ROOM**

**THOSE PRESENT;** Robert Braun, Vice-President; Ed Derickson; Christine Rains; Patrick Bedel; Tammy Davis, Commission Attorney (via zoom); Cindy C. Orschell, Executive Director; Glenn Bailey, Recording Secretary. Absent Rob Seig, Gus Adams.

**Pledge of Allegiance**

**Appointment of Officers-** Bob Braun asked for nominations for the office of President. Ed Derickson nominated Bob Braun, Christine Rains 2<sup>nd</sup> AIF. Next Bob Braun asked for nominations for vice-president. Ed Derickson nominated Christine Rains, Patrick Bedel 2<sup>nd</sup>. AIF

**Roll Call**

**Other Appointments:** Bob Braun asked for nomination for appointment from APC to BZA. Christine Rains nominated Ed Derickson, Patrick Bedel 2<sup>nd</sup> AIF. Bob Braun then asked for reappointments for Cindy C. Orschell, Ed Derickson motioned and Patrick Bedel 2<sup>nd</sup> AIF. Bob Braun asked for reappointment for Glenn Bailey, Christine Rains motioned and Patrick Bedel 2<sup>nd</sup> AIF. Commission Attorney Contract for Tammy Davis for the year 2022. Christine Rains moved to accept the contract for \$7,500.00 For Tammy Davis, Ed Derickson 2<sup>nd</sup>. AIF

**Approval of Minutes from** November 10, 2021. Patrick Bedel motioned, Christine Rains 2<sup>nd</sup> AIF.

**Public Hearing:** RZ-1-21-22164 for Adam Moehlman to change the present zoning designation from Secondary Agriculture to Local Business in Section 33 of Brookville Township located at 16145 US 52, parcel # 24-03-33-300-001.004-003 containing 11.101 acres. Jonathan Marcum spoke for Adam Moehlman who was out of town, explaining the request. They are wanting to build a 3 bay garage that would include a waiting room for customers a full bathroom, kitchen and office. They expect to build a 6' high fence to both protect their investments as well as preventing an eyesore for neighbors whom they hope to get along with and add to the environment. Much of their plan is vague presently due to their wanting approval of the rezone before they put out a lot of money that may be wasted if the rezone doesn't go thru. Jonathan Marcum also mentioned they have several cars now ready for resell which would bring in much needed funds to help the development along. They also have approval from the State of Indiana which took several months to obtain. They had hoped to be up-and-running by now but one thing after another slowed the process. Bob Braun then asked about their plan for a paint booth and a rack to straighten cars out and how all this would fit in just 3 bays. Jonathan Marcum admitted they were studying these things but felt the rack would be able to be moved in and out of place to allow work to be done in stages in 2 of the bays. They may also build their own paint booth. Bob Braun brought up that a paint booth needs to be both explosive proof and proper lighting etc. Jonathan Marcum said they would not be cutting corners, things need to be right.

Ed Derickson asked then about site work that was done or in the process. Jonathan Marcum said nothing done as of yet, the ground is pretty flat and shouldn't need a lot of prep. Ed Derickson then asked if they have met with architects, surveyors etc. Jonathan Marcum said he felt they should get approval before they get

into those areas of concern. Ed Derickson then asked Cindy Orschell what was allowed in Local Business as related to the request. Cindy Orschell stated that Section 80.03-1 of the Franklin County Citizens Zoning Code allows auto/truck repair in local business. Bob Braun asked about the number of cars on the lot, would their be parts cars sitting around, would welding be done etc. Jon Marcum said 15-20 cars max, no parts cars i.e. will not be turned into a junkyard. Ed Derickson also asked about welding and the reply was minimal, would not be cutting cars in half. Christine Rains asked Cindy Orschell if the rezone is for all 11 acres or not. Cindy Orschell said the request is for 1 acre only. Jon Marcum said the state requires a business like this to be parceled off separately and have a different address. Cindy Orschell stated that was necessary for a description to be presented for the rezone.

The discussion then turned to the size of the building, septic permits, number and placement of cars on the lot. Jon Marcum stated the plan is to build a 40x80 building, all cars in the fenced in area spaces, parking in front for several cars for sale. Cars would not be all over the place in junkyard fashion, Jon again reiterated the desire to be kept clean and not unsightly. As to the septic Jon Marcum felt that approval needed to be granted before they worry about putting in a septic system. Cindy Orschell said the health dept. would go out to decide whether the site is approved for a septic and if so where it would go. Bob Braun pointed out that Cindy Orschell could help with those details as things progress. The last item of discussion was when Ed Derickson asked about setbacks and fencing. Jon Marcum said they would follow whatever setbacks there were in place, things would be neat and clean and the place would not become a junkyard. Ed Derickson said the APC would need to see a detailed development plan before they could give an approval.

Bob Braun then asked for public comments. Michael Peters spoke about the vagueness of the plans, doesn't think all this will fit on one acre, doesn't think a septic will work due to all the water sitting in area after a rainstorm and worried about other business moving in if this is approved, and the need to keep the zoning Secondary Agricultural. Bob Braun said the best way to keep it out is to buy the property. Next up to speak was Sarah Stern, addressing the APC for a neighbor. The concern is for keeping the area agricultural, worried about noise, eyesore, polluting water aquifer since the parcel is close to the river, and ruining a beautiful homesite. The next speaker was Don Vonder Meulen representing the Whitewater Canal Trail. The group had spent up to half a million dollars maintaining the trail recently and doesn't want an eyesore just across from it. He had 5 points of contention: 1.) shouldn't have spot zoning, business doesn't fit in A2 and the plan goes against the I.C. which states board to consider how a change would conform to the Comprehensive Plan. 2.) the request is totally different from what is in the area, 3.) most desirable use of the land 4.) property values can be hurt, 5.) responsible development and growth is up to board to allow and change. He ended with The Trail Board is 100% against the rezone. Jon Marcum then gave a response to the concerns. He again stated he doesn't want a junkyard either, he wants to start a business he can earn a living at and get along with neighbors. He thanked them for their input. Bob Braun asked Cindy Orschell if all of the paper work was in order and would she help guide the petitioners along. Cindy Orschell said yes to the paper work being in order and that she has been helping them with the steps needed. Bob Braun asked if there was anything else on the matter. Jon Marcum asked if he should stay for the BZA meeting and was told yes. Cindy Orschell and Tammy Davis advised the board to continue the hearing. Christine Rains motioned to continue with Patrick Bedel 2<sup>nd</sup>. AIF.

**Proposed Amendments:** Bob Braun made a motion to publish changes to the Franklin County Citizens Zoning Code for the February meeting, Ed Derickson 2<sup>nd</sup> AIF.

### 80.08.03: PETS AND DOMESTICATED ANIMALS

#### A. Household Pets

**1. Allowed Without Permit.** Household pets are domestic animals, generally, dogs or cats that are kept inside the home or in the yard. It also includes rodents, reptiles, and fowl that are generally caged inside the home. These animals are kept for pleasure and not for profit. The keeping of household pets, provided it is not construed as a kennel, is allowed without permit.

Deleted: fish

#### 2. Requirements for keeping of domestic pets:

**a. Indoor Pets.** Eight (8) is the limit on the number of pets kept inside. (I) - Brookville, Cedar Grove, Mt. Carmel and Oldenburg ; Within the designated Towns, there shall be permitted no more than seven (7) indoor pets in any residence. (Ordinance # 1-2012, passed on 6/26/2012).

Deleted: There is no

**b. Outdoor Pets.** outdoor pets in all Zone Districts are limited to eight (8) per acre of confinement. Pets shall not become a nuisance to neighbors as a result of roaming.

Deleted: There is no limit on the number of outdoor pets in A-1, A-2 and RE Zone Districts;

**c. Noise, Odors, Waste Disposal.** For indoor and outdoor pets, the requirements and standards of ("Section 80.08.01" delete), replace reference to "Ordinance 2004-10, Small Animal Control Ordinance" shall apply. (Ordinance # 2016-17, passed on 5/23/2016).

Deleted: other

**d. Care.** Domestic pets are to be properly nourished and cared for. Animals shall not be abandoned or released.

#### Definitions 80.13;

Household Pets ..... domestic animals, generally dogs or cats that are kept inside the home or in the yard in all districts. It also includes rodents, reptiles, and fowl that are generally caged inside the home. These pets are kept for pleasure and not for profit. 4-H project animals and other animals kept for recreational use (such as hunting, etc.) are treated as Household Pets under this code.

Deleted: residential

Deleted: fish

Kennel, Commercial ..... Any lot or premises on which for commercial purposes are kept for breeding, boarding, or training purposes, or for sale, nine (9) or more adult dogs, cats, or other domestic animals more than one year of age. And, annual sales or service revenue generated by the Commercial Kennel is equal to or greater than \$ 5,000.00. Unless such are exempted by the Farm Exemption (80.01.05).

Deleted: five (5)

Deleted: 25,000

Kennel, Private ..... Any lot on which for non-commercial purposes nine (9) or more adult dogs, cats, or other small animals at least one year of age, are kept in outside pens, unless such are exempted by the Farm Exemption (80.01.C.1). 4-H project animals, animals kept for recreational purposes (such as hunting, etc.) are excepted.

#### Kennel, Private:

- Approval Process: Class 3, Permitted by Hearing
- Zones Permitted: A-1, A-2, RE, R-1, R-2, R-3 & I-1
- Minimum Lot Area: 2 acres
- Minimum Yards: 100 feet all sides
- Landscape Screening: Level 1
- Maximum Height: 25 feet

#### Kennel, Commercial:

- Approval Process: Class 3, Permitted by Hearing

- b. Zones Permitted: A-1, A-2, ~~RE~~, LB, & I-1 (Permitted Use in GB & PB) (Ordinance 2018-23, passed on 11/20/18 remove RE from the zones permitted)
- c. Minimum Yards: 150 feet all sides
- d. Landscape Screening: Level 2
- e. Maximum Height: 25 feet
- f. Minimum Lot Area: 2 acres
- g. Periodic inspection of animals and facility for health and sanitation by Animal Control

Commercial Breeders (except Kennel):

- a. Approval Process: Class 3, Permitted by Hearing
- b. Zones Permitted: A-1 A-2, ~~RE~~, I-1, I-2 (Ordinance #2018-23, passed on 11/20/18 remove RE from zones permitted)
- c. Minimum Lot Area: 3 acres
- d. Minimum Yards: 100 feet all sides
- e. Maximum Height: 25 feet
- f. Adequacy of Sewers: Approval required
- g. Subject to periodic inspection by Animal Control Officer and compliance with health and sanitation standards)

**Section 80.08.03, 6. Storage.**

- a. No portion of any required yard shall be used for the permanent storage of unlicensed and/or inoperable motor vehicles, recreational vehicles, mobile homes, trailers, airplanes, boats parts thereof, shipping containers (cargo) (freight), rubbish, garbage, junk, tent or building materials, except during construction. (I) - Town of Brookville, Cedar Grove, Mt. Carmel and Brookville; remove the words "required" and "setback". Ordinance 1-2012, passed on 6/26/2012.

Deleted: setback

Bob Braun raised the issue of meeting dates for the year. Christine Rains motioned and Patrick Bedel 2<sup>nd</sup> it to accept the meeting dates. AIF

1/12/2022	2/9/2022	3/9/2022	4/13/2022	5/11/2022	6/8/2022
7/13/2022	8/10/2022	9/14/2022	10/12/2022	11/9/2022	12/14/2022

Michael Peters asked if he would be notified of the hearing being continued for next month. He was told to call the office for any information regarding the next meeting.

**Motion:** Bob Braun then brought up the trouble with zoom calls the last several meetings. He made a motion concerning zoom meeting, and that APC members either need to be present or absent unless the member is sick or the Government Center is shut down. Patrick Bedel 2<sup>nd</sup>. AIF

**Unfinished Business:** Ed Derickson wanted to know what direction the board should go with in determining the outcome of suggestions from commissioners on setbacks, domestic pets and conditional use changes. Cindy Orschell said it would have to be advertised before action could be taken on the issues.

Cindy Orschell said that Jerry Short, superintendent for OPDYKE, Inc was present to request approval for a staff cabin change on a development plan from 2004. State approval had been obtained. Bob Braun said a new development and site plan should be done to explain the changes and then reapply. Ed Derickson

asked about the septic system. Jerry Short said the company had spent \$100,000.00 on a septic system and the new cabin would be hooked up to it. After a few more questions concerning the change being just a location of the cabin change, the board voted to approve. Patrick Bedel made the motion and Christine Rains 2<sup>nd</sup>. AIF

**Violation Report:** Cindy Orschell reports that Jones and Riednour just had a second letter sent. On Godsey and Peters Tammy is to send a letter to help things along. Ball and Ison both have State involvement and are in progress. Merrell was sent a letter to get a status update this week. Bowling had contact today (1-12-2022). Langford has a permit in progress, Smith has had no contact so far and Hall had a letter sent out today also.

**Adjourn:** Bob Braun asked for a motion to adjourn, Patrick Bedel Moved and Christine Rains 2<sup>nd</sup>. AIF. Adjournment at 8:35pm.